

LISTING OF CLAIMS

The following listing of claims will replace all prior versions, and listings of claims in the application:

1. **(Currently amended)** An isolated nucleic acid molecule comprising a PRU promoter that has seed-associated promoter activity and that comprises, in a 5' to 3' direction nucleotide sequence comprising SEQ ID NO:1 or a fragment or variant thereof that exhibits seed-associated promoter activity when operably linked to a heterologous protein-encoding sequence, wherein the fragment or variant thereof is selected from the group consisting of:
 - (a) a sequence that shares at least 80% sequence identity with nucleotides 1168-1212 of SEQ ID NO:1;
 - (b) a sequence that shares at least 80% sequence identity with the reverse complement of nucleotides 58-101 of SEQ ID NO:1;
 - (c) a sequence that shares at least 80% sequence identity with nucleotides 1055-1127 of SEQ ID NO:1 or the reverse complement of nucleotides 140142-214 of SEQ ID NO:1, operably linked to a sequence that shares at least 80% sequence identity with
 - (b) nucleotides 1168-1212 of SEQ ID NO:1 or the reverse complement of nucleotides 58-101 of SEQ ID NO:1;
 - (d) a sequence that shares at least 80% sequence identity with nucleotides 1055-1212 of SEQ ID NO:1
 - (e) a sequence that shares at least 80% sequence identity with the reverse complement of nucleotides 58-214 of SEQ ID NO:1;
 - (f) a sequence that shares at least 80% sequence identity with nucleotides 854-1212 of SEQ ID NO:1;
 - (g) a sequence that shares at least 80% sequence identity with the reverse complement of nucleotides 58-429 of SEQ ID NO:1;
 - (h) a sequence that shares at least 80% sequence identity with SEQ ID NO:1;
 - (i) a sequence that shares at least 80% sequence identity with the reverse complement of SEQ ID NO:1;
 - (j) a sequence comprising nucleotides 1168-1212 of SEQ ID NO:1;

- (k) a sequence comprising the reverse complement of nucleotides 58-101 of SEQ ID NO:1;
- (l) a sequence comprising nucleotides 1055-1127 and 1169-1212 of SEQ ID NO:1;
- (m) a sequence comprising the reverse complement of nucleotides 140-214 of SEQ ID NO:1 and the reverse complement of nucleotides 58-101 of SEQ ID NO:1;
- (n) a sequence comprising nucleotides 854-1212 of SEQ ID NO:1; and
- (o) a sequence comprising the reverse complement of nucleotides 58-429 of SEQ ID NO:1.

2. **(Currently amended)** The isolated nucleic acid molecule of claim 1 wherein the PRU promoter additionally comprises ~~a sequence that shares at least 80% sequence identity with nucleotides 854-918 of SEQ ID NO:1 or the reverse complement of nucleotides 365-429428 of SEQ ID NO:1 operably linked to the nucleotides set forth in (a) and (b).~~

3. **(Original)** The isolated nucleic acid molecule of claim 1 wherein the PRU promoter comprises nucleotides 1055-1212 of SEQ ID NO:1.

4. **(Original)** The isolated nucleic acid molecule of claim 3 wherein the PRU promoter comprises nucleotides 854-1212 of SEQ ID NO:1.

5. **(Original)** The isolated nucleic acid molecule of claim 4 wherein the PRU promoter comprises SEQ ID NO:1.

6. **(Previously presented)** The isolated nucleic acid molecule of claim 1 wherein the PRU promoter comprises the reverse complement of nucleotides 58-214 of SEQ ID NO:1.

7. **(Currently amended)** The isolated nucleic acid molecule of claim 6 wherein the PRU promoter comprises the reverse complement of nucleotides 58-429428 of SEQ ID NO:1.

8. (Previously presented) The isolated nucleic acid molecule of claim 7 wherein the PRU promoter comprises the reverse complement of SEQ ID NO:1.

9. (Currently amended) A plant expression vector comprising a chimeric construct comprising ~~the isolated nucleic acid molecule of claim 1, wherein the nucleic acid molecule is a plant expression vector.~~

10. (Currently amended) The plant expression vector of claim 9, wherein the PRU promoter is operably linked to a heterologous ~~protein-protein~~-encoding sequence.

11. (Currently amended) The plant expression vector of claim 9 ~~that comprises~~comprising a first heterologous ~~protein-protein~~-encoding sequence in the antisense direction, the PRU promoter, and a second heterologous ~~protein~~-encoding sequence in the sense direction, wherein the vector is double-stranded, and wherein the PRU promoter directs seed-associated expression of both the first and the second heterologous ~~nucleic acid protein~~-encoding sequences.

12. (Original) A transgenic plant cell comprising a plant expression vector of claim 9 in its genome.

13. (Currently amended) The plant cell of claim 12, ~~which is~~wherein the plant cell is from a plant belonging to the *Prunus* genus.

14. (Currently amended) The plant cell of claim 13, ~~which is from~~wherein the plant is selected from the group consisting of cherry, almond, peach, apricot, and plum.

15. (Currently amended) The plant cell of claim 12, ~~which~~wherein the plant is from the *Arabidopsis* genus.

16. (Withdrawn) A method for producing a transgenic plant that exhibits seed-associated expression of a heterologous nucleic acid codingprotein-encoding sequence, comprising:

- a) transforming progenitor cells of the plant with the plant expression vector of claim 10, and
- b) growing the transformed progenitor cells to produce a transgenic plant that exhibits seed-associated expression of the heterologous proteinprotein-encoding sequence.

17. (Currently amended) A transgenic plant obtained by the method of claim 16comprising the cell of claim 12.

18. (Currently amended) The plant of claim 17, whichwherein the plant belongs to the *Prunus* genus.

19. (Currently amended) The plant of claim 18, whichwherein the plant is selected from the group consisting of cherry, almond, peach, apricot, and plum.

20. (Currently amended) The plant of claim 17, whichiswherein the plant belongs to the *Arabidopsis* genus.

21. (Original) A plant part obtained from a plant according to claim 17.

22. (Currently amended) The plant part of claim 21, whichwherein the plant part is a seed.

23-26. (Canceled).

27. (New) The nucleic acid of claim 1, wherein the PRU promoter comprises, in a 5' to 3' direction, nucleotides 1055-1127 of SEQ ID NO:1 operably linked to nucleotides 1168-1212 of SEQ ID NO:1.

28. (New) The nucleic acid of claim 27, wherein the PRU promoter further comprises nucleotides 854-918 of SEQ ID NO:1.

29. (New) The nucleic acid of claim 1, wherein the PRU promoter comprises, in a 5' to 3' direction, the reverse complement of nucleotides 142-214 of SEQ ID NO:1 operably linked to the reverse complement of nucleotides 58-101 of SEQ ID NO:1.

30. (New) The nucleic acid of claim 1, wherein the PRU promoter further comprises the reverse complement of nucleotides 365-428 of SEQ ID NO:1.